



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
*Corporation Counsel*

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CHRISTOPHER A. SEACORD  
Labor and Employment Law Division  
Phone: (212) 788-0866  
Fax: (212) 341-3934  
Email: cseacord@law.nyc.gov

August 21, 2008

**BY FAX (212-805-6382)**

Honorable Victor Marrero  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 660  
New York, NY 10007

Re Kregler v. City of New York, et al.  
08 Civ. 6893 (VM)

Dear Judge Marrero:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York, Rose Gill Hearn, and Keith Schwam in the above-referenced action.<sup>1</sup> I write to respectfully request an extension of defendant City of New York's time to respond to the complaint in the above-referenced matter.

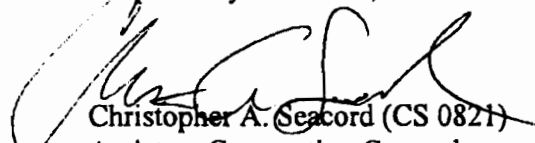
Plaintiff, a retired Fire Marshal with the Fire Department of the City of New York ("FDNY"), brings this action pursuant to 42 U.S.C. §§ 1983 and 1985, alleging that defendants conspired to deprive him of his rights under the First and Fourteenth Amendments to the United States Constitution. Specifically, plaintiff alleges that his application for the position of New York City Marshal was denied because, approximately ten (10) months earlier, he had publicly endorsed Robert Morgenthau for re-election to the position of Manhattan District Attorney.

<sup>1</sup> As of this date, defendants Louis Garcia, Brian Grogen and Darren Keenaghan have not requested to be represented by this office.


The requested extension is necessary in order to allow the undersigned to investigate plaintiff's allegations and to formulate an appropriate response to the complaint. In addition, the complaint names several additional individual defendants who, upon information and belief, have not yet been served with a copy of the summons and complaint in this matter. Accordingly, the additional time also is necessary so that the undersigned can speak with those individuals and, if so requested, make a determination as to whether or not they will be represented by this office.

The complaint in this matter was served on defendant City of New York on August 1, 2008. Therefore, defendant City of New York's time to respond to the complaint expires on August 21, 2008. Additionally, defendants Hearn and Schwam were sent Notices of Lawsuit and Requests for Waiver of Service of Summons on or about August 1, 2008, and those waivers were executed and returned to counsel for the plaintiff on or about August 15, 2008. Thus, defendants Hearn and Schwam's time to respond to the complaint expires on or about September 30, 2008. Accordingly, for the sake of judicial economy, the undersigned respectfully requests that defendant City of New York's time to respond to the complaint be extended until September 30, 2008. This will allow the undersigned to submit one response applicable to all represented parties. I have spoken with plaintiff's counsel and he has consented to the requested extension. This is defendant City of New York's first request for an extension of time to respond to the complaint.

Respectfully submitted,

  
Christopher A. Seacord (CS 0821)  
Assistant Corporation Counsel

cc: Nathaniel B. Smith, Esq. (By Fax)  
Law Office of Nathaniel B. Smith  
Attorneys for Plaintiff  
111 Broadway, Suite 1305  
New York, NY 10006  
Phone: (212) 227-7062  
Fax: (212) 346-4665

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>9-30-08</u>	
SO ORDERED.	
<u>8-25-08</u> DATE	 VICTOR MARRERO, U.S.D.J.